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REPORT

OF

HON. C. J. FAULKNER, OF VIRGINIA,

IN BEHALF OF

THE MINORITY OF THE SELECT COMMITTEE,

VINDICATING THE CONDUCT OF THE

PRESIDENT AND SECRETARY OF WAR

IN THE SALE OF THE

FORT SNELLING RESERVATION.

WASHINGTON:
1858.

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MR. BURNETT, from the Select Committee, on behalf of Mr. FAULKNER and himself, the minority of the Committee, submitted the following, prepared by Mr. FAULKNER, as their

REPORT.

The undersigned, a minority of the Select Committee charged with the duty of "investigating all the facts and circumstances connected with the sale of the military reservation at Fort Snelling, the manner in which said sale was made, to whom made, the consideration paid, the terms of payment, whether the price paid or agreed to be paid was adequate or not, and whether the said reserve, at the time of sale, was longer wanted for the public service," have, according to order, had the same under consideration, and dissenting, as they most decidedly do, from the conclusions of the majority, respectfully submit the following as their report in the case:

The undersigned entered upon the discharge of the duty imposed upon them by the House with no impressions unfavorable to the transaction which was made the subject of this investigation, and yet, with a fixed determination to exhibit to public reprobation every act or motive of action within the scope of their inquiry, which might be found worthy of just condemnation. They were, indeed, aware of the clamor and denunciation which had followed the execution of the contract of sale, during the past summer and fall, and of the harsh imputations which were then cast upon the Secretary of War, but it required but little discernment to detect in this concentrated bitterness of the opposition press, the ravings of the disappointed speculator, and the frantic exaggerations of the political partizan. Knowing that the sale of a military reservation could only be conducted by the Secretary of War, under the direction of the President of the United States, aided by the advice of his cabinet; that all the facts and circumstances connected with such sale could at any moment be brought under the scrutiny of the public judgment; and that sufficient motive would at all times exist for exposure, if there was anything improper in it, ordinary probability would alone have cast discredit upon most of the absurd calumnies which so freely found currency in a prostituted press. Still, as there is at all times a possibility that corruption may creep into the operations of government, and as it is the duty of every good citizen to guard against the evils incident to the abuse of power, and to repel with unceasing vigilance every tendency to favoritism and corruption, the undersigned entered upon the task imposed upon them with a purpose, distinctly announced, of exposing whatever had the slightest taint of official impurity in the transaction referred to their examination. They felt no dissatisfaction at the fact that a majority of the committee with whom they were called upon to act were politically arrayed against the leading policy of the government, and might, in addition to their sense of public duty, feel stimulated by the rare gratification of discerning something worthy of condemnation in the official conduct of an administration to which they were opposed. The President or Secretary of War, who cannot

pass, in the ordinary discharge of his official duties, unscathed through the fiercest ordeal of his political foes, is scarcely worthy of his exalted station. The undersigned were, therefore, prepared to go as far as the most malignant enemy of those distinguished functionaries could desire, in affording all facilities to ferret out and expose every act inconsistent with the pure and upright administration of the public interests. Accordingly, the most unlimited range of inquiry was asserted by the majority, and most cheerfully acquiesced in by the minority. Every witness whose testimony was deemed upon any point desirable, no matter how distant, and no matter at what expense, was promptly subpœnaed. A latitude of examination which would not be tolerated in any of the ordinary judicial tribunals of the country, was submitted to without exception. Every call upon the War Department, no matter how irrelevant, was promptly acceded to. Not a resolution, not a motion, not a suggestion, was presented by any one of the majority, during our protracted sittings, that met with the slightest opposition. If we have, therefore, failed to discover anything in this transaction worthy of condemnation, it has not been from want of the most searching and probing investigation, to which any official act has ever been subjected, probably in the history of this government.

The proceedings of the committee, with all the documentary and oral evidence upon which the reports are founded, are now submitted to the House. That record is before the country, and will speak for itself. The committee was in session during a period of three months, and fifty-two witnesses were examined, at a cost to the government of \$14,830 25 for the item of witnesses' attendance only.

When the Hon. ROBERT SMITH, of Illinois, on the 4th of January last, submitted his resolution asking this committee of investigation into the facts and circumstances connected with the recent sale of Fort Snelling, it was at that time supposed, that he meant to give countenance and credibility to those gross imputations which had been cast through the partisan press upon the integrity and honor of the Secretary of War. In this spirit it was met in the House and defiantly courted by the friends of that distinguished functionary. It was, therefore, not without surprise, mingled with a high degree of pleasure, that the honorable gentleman was heard to announce from his seat, on the 15th of the same month, the following frank and emphatic disavowal of any such object in asking for his resolution of inquiry :

"I did not, and the resolution does not, cast any imputation upon any gentleman. I feel it due to myself to say that I know a good deal about the matter, and I have signified to the chairman of the committee, when organized, I would appear before them at any time they might designate and tell my story ; but I have never said, and do not now say, that the Secretary of War did anything *wrong* in the matter. I repeat, that I do not charge, by *implication* or otherwise, anything *wrong* in the Secretary of War. I protest that it is not a legitimate deduction from the resolution that there is any *fraud* charged upon *any one*."

In like manner, when brought before the committee as a witness, he disclaimed, in the most emphatic terms, "any knowledge of fraud upon the part of seller or purchaser, or anybody else."—(Question 2559.)

We may here dismiss this aspect of the subject, by stating that there is not one word or syllable in this whole mass of testimony which casts the very slightest imputation upon the fairness, the impartiality, or integrity of the Secretary of War. Witnesses have differed from him in the opinion upon which he acted in abandoning Fort Snelling as a site no longer useful for military purposes; some have criticised his selection of agents as not being the most shrewd and sagacious that might have been employed, and others have regarded the price at which the property was sold as below its just value; but no fact has been brought forward, no charge has been exhibited, no opinion has been expressed, no innuendo has been hazarded, in any form, or with any qualification, reflecting upon the purity and disinterestedness of the personal and official connexion of the Secretary of War with the transaction under consideration.

Committees of investigation by the authority of Congress are amongst the most valuable instrumentalities of public justice, where they have some practical and constitutional object in view. They should not, however, be ordered except as the means of attaining information preliminary to some proposed action, within the clear and recognized authority of the House. When a member or officer of the body is charged with an offence which, if ascertained to be true, would subject him to expulsion, removal, or some other punishment within the scope of our authority; when a high functionary of the government is charged with official delinquency under such circumstances of criminality as might lead to the exhibition of articles of impeachment against him, we all recognize the propriety of such an inquiry, preliminary to our action. But it can scarcely be regarded as consistent with the dignity of the House, or falling within its appropriate jurisdiction, in the face of all disclaimers of fraud, corruption or official guilt, to institute an inquiry into the fact whether a power in its nature executive, and clearly conferred by law, has been discretely and judiciously exercised by the President, or the agents selected by him? Such inquiries may gratify an idle and malignant curiosity, but can lead to no practical action by this House. They present, from their character, a mere mass of discordant and conflicting opinion; they assume jurisdiction over questions in their nature purely executive or judicial, and they assail the true theory of our government by substituting the *opinion* of this body for the *judgment* of those, in whom the Constitution and laws have vested the decision of the point at issue.

We had hoped that upon a calm and impartial review of the evidence there would have been in the committee no dissent as to the fair and just conclusions to be drawn from it. If this inquiry had been suggestive of any mode of disposing of the military sites better adapted to advance the public interests than the mode adopted in the present case by the Secretary of War, and any *projet* of such a bill had been submitted, we should doubtless most cheerfully have concurred in it. Such would be the only fruit, if any, that could be legitimately gathered from an investigation like the present. In the mass of discordant testimony which has been elicited by a transaction which has been so fruitful a theme of newspaper denunciation, and

which has so keenly elicited the passions and cupidity of disappointed land agents, it was not to be supposed that material enough might not be culled from the partial opinions of a portion of the witnesses upon which a report might be framed ingeniously assailing the official judgment and decision of the Secretary of War; yet, in the absence of all corrupt, selfish, and improper motives of action in that officer, it was hoped that these opinions would have been estimated at no more than their true worth, and especially, when they are outweighed upon every material point by the great body of the evidence accompanying this report. It was not until our meeting subsequent to the close of the testimony that we ascertained with certainty that such would not be the course of the committee. We confess we have heard the report of the majority with surprise. We are prepared to concede the skill and ability with which it is framed, yet we regard it partial in its view of the subject, and its conclusions based upon the least reliable evidence in the record. Scarcely an allusion is made in their report to that great body of testimony which overthrows every condemnatory position which it has assumed. This course of the majority has thrown upon us the necessity of a full and elaborate review of the whole case. Both reports will be before the country, and we are prepared to stand upon the fairness of our statement of facts, and the soundness of our conclusions, as drawn from these facts. If no other benefit shall be derived from the large expenditure of public money caused by this investigation, it may at least present a salutary admonition to the American people to guard their minds against that spirit of calumny and detraction which is ever ready to ascribe the worst motive and the worst conduct to a political opponent; and to pause, before they permit their impressions of a public functionary to be controlled by the shrieks of disappointed speculators, when the very offence so loudly charged, may have been a firm, faithful, and successful effort to defeat illegal combinations, and to protect the public interests from sacrifice.

Before proceeding to present an analysis of the evidence embodied in this report, some preliminary observations are essential to a just comprehension of the subject embraced in this inquiry.

Military reservations.

Reservations are portions of land severed from the mass of the public domain and appropriated by law to some specific public use. These public uses are various. Those designed as sites for the construction of forts, arsenals, and armories, with the grounds appurtenant thereto for the supply of water, fuel, forage, &c., are termed military reservations.

In general the decision as to the quantity of land to be reserved for such public use, and the places where to be located, rests in the discretion of the President, subject to such regulations as Congress may, from time to time, prescribe.

When land is thus appropriated it is withdrawn from the control and supervision of the General Land Office. No power exists in that department to make sale of it. No right exists in a State even, in whose jurisdiction it lies, to condemn it for public purposes, making

just compensation for the same. It is not subject to entry, nor to the right of pre-emption. No title, in opposition to the government, can be acquired in it, and every person, whether a citizen or a stranger, who without permission enters upon it for the purpose of settlement or occupation, is a trespasser, and may be removed by the judicial, and, if need be, by the military force of the government.

The United States has its military sites in every section of the confederacy ; in the old States, as well as in the new. But those large military reservations which occasionally appear so conspicuously in our legislative history, have usually been parcelled out from the public domain at some point beyond, or upon the verge of, our frontier settlements, where posts are erected and troops stationed for the protection of the early settlers against the aggressions of their savage neighbors. The rapid flow of our population, "which, like the Pontic sea, knows no ebb ;" the extinction of the Indian title; the retreat of the native tribes still further into the great central wilderness, soon changes the character of these sites from frontier to *interior* posts, surrounded by a thrifty and numerous agricultural people, and useless for all the purposes for which they were originally established. They are consequently abandoned, and new posts planted on the ever changing boundaries of western civilization. A sketch of the establishment and removal of our military posts would present an accurate history of the progress of population and settlement from the Alleghany to the Rocky mountains.

Notwithstanding the cessation of the purposes for which these tracts of land were set apart, and even their abandonment for all military purposes by the government, yet, having been appropriated for a specific object by law, no authority short of Congress could restore them to a condition to pass into the mass of the private property of the country. To provide a remedy for this inconvenience a law was passed by Congress on the 3d day of March, 1819, and which may be seen by reference to 3d volume Statutes at Large, page 520. It provides :

"That the Secretary of War be, and he is hereby, authorized, under the direction of the President of the United States, to cause to be sold such military sites *belonging to the United States* as may have been found, or become, useless for military purposes."

The authority to sell, under the language of this act, was construed by the President, with the advice of the Attorney General, to extend only to such military sites as belonged to the United States at the date of the law, and as conferring no authority to sell such as were appropriated and reserved since its date. In consequence of this want of authority many sites that might, with great advantage to the country, have been sold and opened to cultivation and improvement, were continued in the possession of the government, subjecting Congress to importunate applications for the passage of special acts for the sale of some particular reservation sought to be brought into market. In all these efforts at special legislation a struggle naturally ensued between those who represented the local interests of the territory, and those who represented the interests of the treasury—the object of the first being to bring the reserves under the operation of the general land system, which would subject them to pre-emption and public sale, and secure

their disposal at the minimum price of one dollar and a quarter per acre ; whilst the more special friends of the public treasury, denying the just application of the pre-emptive principle to such locations, contending that their value far exceeded the wild and frontier lands, and that this special value had been imparted to them by the expenditures of the government and the protection given to the settlers around them, maintained, that they should be sold in such manner, at public or private sale, as would best secure a fair price for them and best indemnify the government for the money expended upon them. It is needless to say that, in all these acts of special legislation, the interest of the treasury was made to yield to the importunities of the local application.

In November, 1854, General Jesup, quartermaster general, thus calls the attention of the Secretary of War to this subject :

“ In connexion with this subject it may be proper to remark, that there are many sites no longer necessary for military purposes, which have become very valuable in consequence of the expenditures of the government and the protection given to settlers in their neighborhood, which, if sold for their full value, would supply a fund sufficient, or nearly so, for all new frontier improvements. The Secretary of War has probably now authority to sell these sites ; but whether so or not, a modification of the law for their sale, so as to authorize the fixing of a *minimum* something like their intrinsic value, below which no sale shall take effect or be considered legal, is required for the protection of the public interests. The reserves at Fort Howard, *Fort Snelling*, Fort Crawford, and Rock Island, should it not be made a military depot, if sold for anything like their value, would bring into the treasury more than a million of dollars. Without such a modification of the law *there is great danger, should these valuable lands be offered for sale, that unprincipled and lawless speculators will combine, and, by threats of violence, intimidate honest and peaceable citizens from bidding for them, and thus secure for themselves and their confederates the whole of them at the minimum price of the government for its wild lands.*”

These suggestions of General Jesup were made more than two years after the passage of the law reducing the Fort Snelling reserve to its present limits, and it shows that, as early as 1854, he contemplated the sale of that tract, together with the other military reservations named ; all of which, it is believed, have since been either actually sold, or remain in possession of the government after unsuccessful efforts to effect their sale.

Hon. Jefferson Davis, then Secretary of War, in his annual report of December 14, 1854, endorses the suggestions of General Jesup, and thus recommends the subject to the favorable consideration of Congress :

“ I have to ask attention to the necessity for further legislation for the sale of useless military sites. According to the construction which has been given to the acts upon this subject, and which, though its correctness has been doubted, must be regarded as settled by the practice of the department, the act of March 3, 1819, applies only to military sites then held ; and that of April 28, 1828, only to lands

'conveyed to' the United States for forts, &c. According to these views there is no provision for the sale of lands which, since the 3d of March, 1819, have been reserved from the public domain for military purposes, and I therefore recommend that the provisions of the acts giving authority to sell useless military sites be extended to embrace those reservations.

"Many reservations around military posts, originally established on the frontier, and now rendered useless by the advance of population, have acquired great value, not only from the rise in the price of lands in such localities, but from improvements put upon them by the labor of the troops, or at the public expense. In disposing at public sale of some of these, which came within the act of 1819, it was found that the bids were far below the fair market value of the land; a result which has been attributed, no doubt correctly, to combinations among the bidders. I concur with the Quartermaster General in the opinion that similar results can be prevented in future only by establishing a minimum price, below which the land shall not be sold; and I recommend that provision be made for this purpose in any act that may be passed on the subject."

Similar recommendations were repeated by the Secretary of War in each of his succeeding annual reports up to the close of his administration, which were finally acted upon by the passage, on the 3d of March, 1857, of the following supplementary law:

"*Be it further enacted*, That the provisions of the act approved March 3, 1819, entitled 'An act authorizing the sale of certain military sites' be, and they are hereby, extended to *all military sites*, or to such parts thereof, which are or may become useless for military purposes."

The President of the United States, as commander-in-chief of the army, has the unquestioned right, independent of legislation, to occupy or abandon any post according to his judgment of the military necessities of the country. The legislation of Congress was, however, essential to confer an authority to make sale of a site which, in the exercise of his constitutional functions, the President should deem no longer necessary for the public defence. That authority is in clear and explicit terms, by these enactments, vested in the Secretary of War, acting under the direction and control of the President of the United States. The power is full, absolute, and unconditional; and, when exercised, a perfect title is transmitted from the government to the purchaser. Cases may possibly hereafter arise of fraud upon the government sufficient to justify the judicial tribunals of the country in annulling the sale; but it is difficult to imagine a possible contingency in which the legislative department of the government can with any constitutional propriety interfere with rights derived under such a contract.

Fort Snelling.

Shortly after the acquisition of Louisiana, and during the administration of Mr. Jefferson, the attention of the War Department was directed to the establishment of several military sites on the Mississ-

sippi river. In pursuance of this object, Lieutenant, afterwards General Pike, was detailed by General Wilkinson to make the necessary explorations and purchases from the Indians then occupying that country. On the 23d of September, 1805, he effected a treaty with the Sioux, by which they relinquished to the United States, for military purposes, the land at the confluence of the Mississippi and the St. Peter's, since called the Minnesota river, commencing below the junction of those rivers, and extending nine miles on each side of the Mississippi, and including the Falls of St. Anthony.—(See 2d volume of Executive Journal of the Senate, pages 76, 77, and 80.)—Notwithstanding this early indication of the policy of the government no movement was made towards its occupancy as a military post until a much later period. In the fall of 1818 Mr. Calhoun, then Secretary of War, decided to take the necessary steps to secure to our country the advantages of the Indian trade, and to keep in check the numerous and powerful tribes of Sioux and Chippewas, which inhabited that section of our country, and who were already beginning to give indications of hostile feeling to the advancing white settlements. Accordingly, in the spring of 1819, Colonel, afterwards General Leavenworth, was sent with the 5th regiment of infantry to occupy the site at the confluence of the Mississippi and St. Peter's river, where he placed his command in huts, and constructed stockade defences. Colonel Snelling having succeeded him in command, erected works of a more permanent character, which, when completed, were then and have since been called by his name.

From that period Fort Snelling continued a military post of some importance until 1851, when, by the well known treaties of Traverse des Sioux and Mendota, the Indian title was extinguished to that immense body of land west of the Mississippi river, extending over four degrees of latitude and five of longitude, and covering a superficial area of forty-five thousand square miles. As a consequence of this purchase, the Indians removed to smaller reservations in the northern and western portions of that Territory. Prior to the ratification of those treaties there were but five organized counties in Minnesota; now there are upwards of forty counties, and this growing republic is asking admission as one of the States of this confederacy, claiming to have a population of near 300,000, and claiming to be entitled to three members of the House of Representatives. Almost the whole of this hardy and enterprising population is north and west of Fort Snelling, between that and the Indian population. Since the treaty of 1851, Fort Snelling has become utterly useless as a post of defence, whilst, as a substitute to accomplish the purposes for which it had been so many years used, Fort Ripley was established, about 120 miles north of it, on the Mississippi, and Fort Ridgely, 130 miles west of it, on the Minnesota.

No sooner did the torrent of emigration begin to flow into Minnesota, invited by the extinction of the Indian title and stimulated by the liberal policy of the government, authorizing settlements and pre-emption rights, even in advance of any survey made by government, when the public mind, impressed with the further inutility of Fort Snelling as a military post, invoked the legislation of Congress to re-

duce the bounds of that reservation, and to bring the largest portion of it into market.

The Fort Snelling reservation, as held by the government until a very recent period, embraced between thirty-three and thirty-four thousand acres of land.

By an act of Congress passed on the 26th of August, 1852, the reserve was reduced in quantity, and its new boundaries defined. Twenty-six thousand and twenty-three acres were severed from it, which the Commissioner of the General Land Office was required to have surveyed and sold at public auction, under the direction of the President of the United States. The portion thus cut off embraced some government buildings, worth \$5,000; the magnificent water power of St. Anthony's Falls; the sites of the cities of Mendota and Minneapolis, and a soil for agricultural beauty and productiveness not surpassed by any in the northwest.

A sale of a portion of the land thus separated from that reserve, to wit: five thousand three hundred and sixty-two acres, lying in what is called the Stillwater district, was made on the 11th day of September, 1854, at public auction, after having been advertised for six months in all the leading papers of the northwest, and brought \$1 25 per acre; not a single acre having been sold for one cent more than the minimum price of public lands.—(See Appendix, pages 35, 36, and 37.)

The residue of it, twenty thousand six hundred and sixty-one acres, was sold in 1855; not one acre having been disposed of at a higher price than \$1 25 per acre.—(See Appendix, pages 28 to 34.) Some of this land has since sold for six and even \$10,000 an acre, and yet we have heard no complaint of the inadequacy of the price received by the government, although it yielded but \$1 25 an acre, and although some of those who have been most active in stirring up discontent at the Fort Snelling sale were among the largest beneficiaries of this liberal policy of the government.

There then remained of the original reservation about seven thousand five hundred acres, situated at the confluence of the Mississippi and Minnesota rivers, upon which stood the barracks, hospital, officers' quarters, and other buildings erected by the government. These buildings had been erected some thirty years before, were put up in a rude and imperfect manner, some of them were in a state of dilapidation and decay, and if held by the government would have continued an annual burden upon the treasury for repairs.

The Sale.

The majority of the committee in their report present with great prominence the fact that in April, 1856, upon an application being made to Secretary Davis for the purchase of the Fort Snelling reserve, he declined to entertain the proposition, upon the ground that it was "still needed for military purposes," and they contrast the opinion and decision of that eminent statesman with the course pursued by the present Secretary of War in the disposal of the same property in less than eighteen months thereafter. For the opinion of General

Davis, upon all civil as well as military questions, we entertain the highest respect and deference ; but he has not furnished us with the grounds upon which he based his military judgment in the particular case alluded to. It is more than probable that he was influenced in that decision by the views which he so ably presented in his annual report of the same year, in which he sought to impress upon Congress the necessity of a radical change in our present policy of locating posts in advance of settlement, and of distributing our troops in small detachments at numerous posts, and the expediency of concentrating them in large numbers at a few points, from whence detachments at a favorable season of the year might be sent out into the Indian country. Had Congress adopted his suggestions, there would have been so clear and obvious a propriety in his conclusions, as to the retention of Fort Snelling, that no one succeeding to the administration of that department would have been likely to have departed from it. But Congress declined then, and has declined since, to change the present policy, which has become sanctioned by various acts of legislation and by the concurrent views of several preceding administrations. The present Secretary acted, as will hereafter be more fully shown, upon a military policy such as he found established when he succeeded to the War Department, and which had received the approval of Congress and of the country for the preceding twenty years.

On the 7th of April, 1857, Hon. Henry M. Rice, at that time delegate, and now a senator elect from Minnesota, addressed a communication to the Secretary of War, urging upon his attention the expediency of a speedy sale of the Fort Snelling reservation. It does not appear that Mr. Rice had any interest in this suggestion, except such as might properly influence him as the representative of that Territory. "Large reservations (he states) were injurious to the interests of the citizens, often preventing improvements by the State, counties, and towns." This communication, in accordance with the usage of the department, was referred to the Quartermaster General for his opinion. General Jesup replied, that the propriety of a sale of that reserve would depend upon the military policy to be hereafter adopted. If the policy then existing was to be changed, and the troops hereafter concentrated at central points, where they can be cheaply supplied when not in the field, there was no place near the northern frontier so suitable as Fort Snelling, and no portion of the reservation should be sold. But if the present policy of posting the troops in small garrisons was to continue, then a quarter section of land, with the buildings, and a control of the ferries, would be sufficient for a mere depot of supplies. Upon a full consideration of the point, the Secretary of War decided, in view of the then existing and long established policy of the government, that a sale of the reserve, or certainly a large portion of it, should be made. He accordingly, in the same month, despatched Major Seth Eastman, an active and intelligent officer of the army, who had resided nine years at that post, with instructions to survey the land in forty acre lots, stating that he wished it so surveyed that persons of small means might have an opportunity of purchasing.—(See answer to question No. 1.)

When sufficient time had elapsed for the completion of this survey,

the Secretary of War appointed Major Eastman and William King Heiskell, esq., of Virginia, agents on behalf of the government, to make sale of so much of said reserve as could be disposed of with a due regard to the public interest, accompanied by the following letter of instructions:

WAR DEPARTMENT,
Washington, May 25, 1857.

GENTLEMEN: You are hereby requested and instructed to visit, in person, the military reservation made by the Executive at Fort Snelling, in the Territory of Minnesota, and examine and ascertain how far it has been made valuable by government improvements. Also, whether there are any actual *bona fide* settlers upon the reserve, who have made valuable improvements thereon, and who settled there with the expectation, superinduced by the action of the government agents, of having pre-emption rights extended to them; and whether, under the circumstances, they should be allowed to purchase not exceeding one hundred and sixty acres each, covering their improvements, at the government price of one dollar and twenty-five cents per acre.

Upon the above points you will report to this department as soon as practicable after you have obtained the desired information, so that you may receive further instructions in regard thereto.

You will sell all that part of the reservation not included in any tract to which an actual settler may have a just claim, either at public auction, after giving due notice in the principal papers in the northwest, or at private sale, in tracts or lots of forty acres each, so as to enable persons of small means to purchase, or in whole, whichever, in your judgment, may be deemed best, but in neither case at less than \$7 50 per acre.

You will examine Fort Snelling, with reference to its being retained as a military depot for the use of the government.

If you should deem it necessary for such purpose, you will reserve from sale the buildings and such land as you may consider suitable, not less than forty acres.

You will not expose to sale that part of the reserve which extends over a graveyard and church belonging to, and claimed by, the Catholic congregation worshipping there, not exceeding twenty-five acres, but allow the same to remain in possession and under the control of said congregation, with the understanding that it is not to be used or disposed of for any other purposes.

Very respectfully, your obedient servant,

JOHN B. FLOYD,
Secretary of War.

Major SETH EASTMAN, *U. S. A.*,
WILLIAM KING HEISKELL, Esq.,
Washington.

It may be here remarked that Mr. Heiskell is a well known citizen of Virginia, a farmer by occupation, a gentleman of intelligence and high character, who had been a member of the general assembly of that State, and was a man in whose honesty, integrity, and firmness

of character Governor Floyd had, from personal knowledge, the fullest confidence.

It will be seen from the above instructions first, that, in accordance with a suggestion contained in the communication of General Jesup of the 14th of November, 1854, previously referred to, and endorsed by Secretary Davis in his annual report of the 4th of December following, a minimum was fixed, below which the land was not to be sold. That minimum was \$7 50 per acre, a price exceeding the highest sum at which any acre of military reservation had ever, in the history of this government, been before sold, out of the limits of a corporate city.

Secondly. They were required, if upon examination they thought it proper to be retained as a military depot, to reserve from sale the buildings, and so much land as they might consider suitable, not less than forty acres.

Thirdly. They were authorized to sell the land in forty-acre lots at public auction, if, in their judgment, the public interests would thereby be best promoted.

Fourthly. They were authorized to sell at public or private sale, in whole or in part, as, in their judgment, they might deem best, but in no case at less than \$7 50 per acre.

Assuming the commissioners to be competent and honest men, it is difficult to conceive how any instructions could have been better devised to protect the interests of the government. The commissioners were closely interrogated upon the point whether they had received from the Secretary of War any private instructions beyond those contained in the above letter. Major Eastman was at Fort Snelling at the date of his appointment, and did not see the Secretary, nor had he any correspondence with him from that period until after the sale. Mr. Heiskell, who bore to Major Eastman his appointment, states that the only further instructions he received were: "I want you to do the very best you can for the government. I want that sale to be the best ever made in the United States. You will have a parcel of sharpers to deal with, and you must keep your eyes open."

From the date of their appointment until after the sale it appears from the evidence that there was no communication between the Secretary of War and the agents appointed by him, and that the latter, keeping within the limits of their instructions, proceeded to exercise all the discretionary powers vested in them, upon their own judgment and responsibility.

After a satisfactory examination of the property, which was quite familiar to one of them, from a residence of nine years at the place, the commissioners decided that the public service did not require the retention of any portion of the reserve for military uses; that, in view of the experience of recent land sales, and of the combinations then formed and forming to force the sales at the minimum price, it was expedient to avoid the hazards of a public sale, and, if possible, to dispose of it for its full and fair value to some responsible purchaser; and finding in the person of Franklin Steele, a resident of the place, a gentleman who combined all the essentials of a fair, responsible, and honorable purchaser, and having first estimated the value of the government interest in that property, they opened a correspondence in writing with him to

learn if he desired to purchase, and what price he was disposed to give for it. Mr. Steele, in reply, expressed his wish to become the purchaser of the property, and offered the gross sum of \$75,000 for it, the same which he had proffered to give in 1856. They informed him that they had estimated the interest of the government in that reserve as fairly worth the sum of \$90,000; that they would not sell it at private sale below that sum, and if he would give that price they would close a contract of sale with him. He acceded to their proposition, and on the 6th of June the following contract of sale was executed between the parties:

“ Articles of agreement made and entered into this 6th day of June, 1857, by and between Seth Eastman, major United States army, and Wm. King Heiskell, agents of the United States government, of the first part, and Franklin Steele, of Fort Snelling, Minnesota Territory, of the second part, to wit: The party of the first part have this day sold to the party of the second part all that tract or reserve of land known as the military reservation of Fort Snelling, with the improvements thereon, excepting and reserving twenty (20) acres described as follows, to wit: commencing at the southeast corner of fraction No. (1) one, in section No. (28) twenty-eight, in township (28) twenty-eight, in range (23) twenty-three, running north forty (40) rods, thence west (80) eighty rods, thence south (40) forty rods, thence east (80) eighty rods, to the place of beginning, the same being reserved for a Catholic church and burial ground, where the church and burial ground now is; also, excepting and reserving the northwest quarter of section (20) twenty, in township (28) twenty-eight, in range (23) twenty-three, containing ten acres, the same being reserved for a Protestant graveyard. For and in consideration of the above, the party of the second part agrees, and hereby binds himself, heirs, executors, administrators, &c., to pay to the United States government, or authorized agent or agents, the sum of ninety thousand dollars—one-third of said sum payable on the 10th day of July next, and the residue in two equal annual payments thereafter. The said tract of land, or reservation, contains about seven thousand acres. Possession of the said lands and improvements to be given as soon as the Secretary of War can dispense with it for military purposes, and a deed given when the first payment aforesaid is made, and satisfactory security for the deferred payments given, and approved by the Secretary of War, or agents appointed for that purpose.

“As witness our hands and seals the day and year above written.

SETH EASTMAN, [SEAL.]

Major U. S. A., agent.

WM. KING HEISKEILL, [SEAL.]

Agent, &c.

FRANKLIN STEELE. [SEAL.]

The report of the commissioners, embracing the contract of sale, was delivered to the Secretary of War on the 17th of June, and on the same day submitted to the President of the United States, and, having received the assent of the President, was formally approved by the Secretary of War on the 2d of July. In the same month the

first payment of \$30,000 was made by the purchaser, and an order given to the commanding officer at the post to deliver immediate possession of the military reservation and property pertaining thereto to the purchaser, Franklin Steele, excepting the fort and other buildings, which were temporarily retained for the use of the troops at the post.

Having now briefly shown the leading and prominent facts of this sale, we will proceed to notice, in some detail, the objections to it, which have been urged by the majority in their report, and which have brought them to the conclusion that this alienation of one of the defences of the country was hasty and improvident, and calls for the condemnation of Congress. They assail not only the expediency of the sale, but the authority of the President and Secretary of War, under the circumstances of this case, to have made it. This leads to the inquiry—

Did the military interests of the country require that Fort Snelling should have been longer retained by the government?

It is conceded by the majority, that whenever a military site becomes useless, the authority is by express law conferred upon the Secretary of War, under the direction of the President, to make sale of it. But they contend, that as this authority is by the terms of the law limited to cases where the site is useless, if it can be shown by evidence subsequently taken—that is to say, by the opinions of persons differing from the conclusions of the President and Secretary of War—that it might be longer advantageously retained for the uses of the government, the contingency has not arisen upon which the power has been conferred, and the sale is without authority of law, and therefore void. This extraordinary doctrine, alike subversive of the purposes of the law and of the authority of a co-ordinate department of the government, although without any practical bearing in the present case, requires a passing notice. It is a bold attempt to substitute the opinions of any and every man in the country for the authentic judgment and action of those in whom the people have regularly vested the powers of government. It is practically ejecting from office the President and Secretary of War, and clothing with the attributes of executive power and with legal trusts the witnesses subpœnaed before a committee of Congress.

Whether Fort Snelling was useless as a military site on the 6th of June, 1857, the day of its sale, is a question of fact to be determined alone by those in whom the constitution and laws have placed the decision of that question. The occupation or abandonment of a military post, the march of troops from one section of the confederacy to another, their concentration at, or distribution from particular points, are all incidents of that control over the military defences of the country which the Constitution has vested in the President as commander-in-chief of the army. Congress is free to raise and support an army or not at its pleasure ; it may authorize regiments when the President does not call for them, or it may disband them when he most desires them ; but when once raised, their movements are wholly subject to his disposition and control. It may appropriate money, and authorize the purchase of a military site ; but if the President does not choose to

make use of it for military purposes he need not do so; so that the practical decision at all times of whether any particular post is needed for the public defence must necessarily rest with him, who has the right to distribute and station our troops at pleasure. But his decision that a site is no longer useful for the public defence does not thereby involve the authority to make sale of it. The public property of the United States is vested in Congress, and the authority to make sale of any portion of it can alone be derived from Congress. When, therefore, a law is passed conferring upon the executive the power of selling useless military sites, he is, by a union of his constitutional functions with the legislative agency, thereby created, clothed with full authority over the subject. From the Constitution he derives his authority to decide whether it is useless or not; from Congress he derives his power to sell if deemed useless. But if this power was not thus fairly deducible from the constitutional function of the President as commander-in-chief, it is clearly conferred by the acts of 1819 and 1857. A power vested by law in an executive agent of the government to sell or to do any other act upon the happening of a stated contingency, unless otherwise restrained, makes him necessarily the sole and exclusive judge of the event upon which his authority to act becomes operative. How otherwise is this power ever to be exercised? Who, under the present law, could determine the proper period of sale but the President of the United States? From what other department of the government is he to seek for counsel or information. Is it from the judiciary, or is it from Congress? Is the validity of a solemn official act of the highest functionaries of the government to be determined by the opinions which a few witnesses, constituting no part of the government, may entertain of the wisdom or propriety of the act? The power of the President and Secretary of War to make these sales is, under the existing laws, absolute and unconditional. The title of the purchaser is perfected through their act. Its validity cannot be affected by the opinions of others. They have exercised their judgment, and the case is closed. It is a judgment *in rem*, from which there is no appeal. The reasoning of the majority is at war with the clearly established principles of our government. It would overturn every sale, and render insecure every right of property acquired through any of the executive agents of the government.

But there is no necessity in the present case of invoking the aid of any such construction of law to screen from inquiry the late act of the Secretary of War. Suppose this subject had not already been disposed of by competent authority; that the President and Secretary of War had not already authorized and ratified this sale; that the purchase money, so far as due by the contract, had not already been paid, and possession of the property delivered, and that it was now an open question for Executive decision, we shall proceed to show that the weight of authority and the force of reasoning contained in the accompanying evidence sustain the expediency of the sale of the Fort Snelling reservation. It is shown conclusively by General Scott, General Smith, General Jesup, and by every military officer, without exception, who has appeared before the committee, as also by public facts known to the committee, and to every intelligent man in the

country, that since the extinguishment of the Indian title, and the removal of the native tribes from that vicinity in 1851, Fort Snelling has become an interior post, and useless for any of the purposes of defence. Upon this point there is not a contradictory opinion in the evidence, or if so, none worthy of notice.

But another idea has been suggested in reference to the purposes for which Fort Snelling might still be used, since it has become useless for those of defence, and that is, as a convenient point to keep up a government establishment of officers, employés, horses, mules, &c., to furnish to the two frontier posts, which, since the removal of the Indians, have been established on the Minnesota and Mississippi rivers, their provisions and supplies. It is upon this asserted benefit of Fort Snelling to the government that there has been any diversity of opinion amongst the witnesses who have appeared before the committee.

In support of this idea of retaining Fort Snelling as a depot of supplies, Colonel Lorenzo Thomas, an assistant adjutant general of the army, Major J. G. Martin, an assistant quartermaster, who was stationed at Fort Snelling at the time of sale, and Captain Thom, have expressed very strong and decided opinions. General Scott and General Jesup favor the same idea, but with so many modifications, as to time and policy, as to make their opinions, deservedly high as they are upon all military questions, of no particular weight in the present controversy. The views of General Churchill and Captain Simpson are so little supported by any information on the subject, as to deprive them of any influence whatsoever upon our judgments. These are all of the officers of the army who have favored us with their professional opinions in support of that policy. The Hon. Stephen A. Douglas and Adam D. Steuart concur in the same view. It may be here stated that, in the opinion of all these witnesses, it would be expedient to retain, for the purposes of such military depot, merely the public buildings and a small portion of the land.

In opposition to these views, General Persifor F. Smith, then commanding the western military department, in which Fort Snelling is situated, Colonel Francis Lee, at this time, and since the transfer of General Smith to Utah, commanding in that department, Major Eastman, Captain Todd, Captain J. A. Whithall, Lieutenant Richard C. Drum, officers of the army, and Hon. Charles E. Stuart, senator from Michigan, Hon. H. M. Rice, senator elect from Minnesota, and Wm. K. Heiskell, one of the commissioners of sale, all express most decided opinions that Fort Snelling had ceased to be useful for any military purpose whatever.

Some of these witnesses have assigned reasons for their opinion, marked by so much intelligence and knowledge of the subject upon which they have testified, that we shall incorporate a portion of their evidence in this report, and adopt their views as the conclusions of our own minds.

General *Persifer F. Smith* says :

“As a point of defence, the value of Fort Snelling has entirely gone. It is within the frontier. As a point of depot, in a great measure its value has gone, too ; I think myself entirely gone, because

a great many supplies can be got further towards the frontier than Fort Snelling itself is, as the country is settled up the Minnesota from a hundred to a hundred and fifty miles, and there are scattering settlements up the Mississippi about a hundred miles. The value of a depot lies in one or two things—one, whether it is in the centre of a large producing region in which you could collect whatever you might wish for supplies, in order to distribute them through the country; another, would be a depot on the line of transportation where, arriving at the point at which the routes of transportation separate, you have transhipments to make. In either case you want a spot in which you could deposit your stores, either in their collection, or preparatory to distribution, in order to spread them over the country you intend to supply. Fort Snelling some years ago was most valuable as a point of defence. It was well situated, and the frontiers were behind it. It would arrest the enemy, and no enemy would go to the frontier and leave a force in their rear—a thing which the most uncivilized nations dislike to do. But as a depot it was of no great value, because there were not other points of defence beyond it. It was a depot only for its own particular service, and not of the country immediately around it. Now, there are posts up the Mississippi above and up the St. Peter's, and those posts can be reached by the same means of transportation which bring the supplies from their original point of production—that is, a steamboat coming from St. Paul laden with provisions and ordnance stores, or any supplies for troops, is not obliged to change its cargo at any point short of Fort Ridgley, if going up the Minnesota, and is only obliged to tranship them to get around the falls of St. Anthony, if going up the Mississippi to Fort Ripley. Therefore there is no need of a depot at the junction of those two rivers, because it does not answer either of those suppositions I have made—that is, the necessity of changing the mode of transportation, or the necessity of passing around the obstacles by portage, or something equivalent thereto, such as by a canal or railroad. It has lost, in fact, its value, either as a place of defence or as a depot, in consequence of the advance of settlements."

He expressed the decided opinion that the proper mode of transporting supplies for the whole region of the upper Mississippi is from Fond du Lac, on Lake Superior.

"There are two objections to river navigation—one is, that it is frozen up during the whole winter, and in the summer the water is so low as to render the navigation difficult and dangerous. Boats are afraid to go up for fear of being unable to return. The same difficulty may occur in the lake navigation in the winter that obstructs river navigation; but in the summer you can at any time take supplies from Buffalo, Detroit, Cleveland, Chicago, or from any of the towns which border upon the lakes, to the northwestern extremity of Lake Superior, by the largest class of steamers which can pass the canal at Sault Sainte Marie, and at Fond du Lac you are about upon a range with the line of posts now established near Pembina, and those lower posts, such as Fort Snelling."

Major *Seth Eastman* testifies as follows:

"I consider Fort Snelling perfectly useless as a military station.

The country is inhabited north, south, east, and west of it. A city of 15,000 inhabitants lies within five or six miles of it. The Indians have removed a hundred miles or more west, and the country is inhabited by our own people. I do not consider it necessary even as a depot. There is but one post to be supplied, supposing Fort Ripley to be abandoned, and that is Fort Ridgley. Fort Ridgley is on the same river with Fort Snelling, (the Minnesota.) In the spring of the year it is navigable for steamboats from St. Louis to above that point, and that post could be supplied entirely by steamboat navigation. Hence, it would be a useless expense to unload at St. Paul or Fort Snelling, or any other point below Fort Ridgley, for the purpose of reshipping. But supposing that it was necessary to supply that post when navigation was closed, the country is full of the means and facilities of transportation, and the people would be glad to do this work at one-quarter what it now costs the government. Hence, it would be more economical not to keep up Fort Snelling as a depot. Even supposing that we would have to unload a cargo of provisions at St. Paul, to put it upon another class boat to go up the Minnesota river, the only expense would be unloading and placing it immediately upon another steamboat, or putting it into a commission house for one night, for boats are running there daily. For the supply of a small post like that, one steamboat would take a year's supply. If there were not the means of transportation in the country, then it might be necessary for the government to keep up a depot for trains at any expense."

Hon. *Henry M. Rice*, senator elect from Minnesota, thinks the Secretary of War acted with judgment, in disposing not only of the reserve, but of all the government buildings upon it. He says:

"It would have been an extra expense to the government of from ten to forty thousand dollars a year, if they had been retained, and they would have been of no earthly use. I was formerly a sutler in the army, and have transported an immense amount of government supplies. The fort is situated on a high hill, up which all the supplies have to be carried. Large boats cannot get up the river any higher than St. Paul in low stages of water. Goods must there be transshipped into boats which run up the Minnesota river, and which take supplies to Fort Ridgley. To send the goods directly from St. Paul would save the trouble of reshipping at Fort Snelling, save the expense of hauling the goods up that high hill and down again, save the expense of keeping soldiers there constantly to keep the buildings in repair, and save a great deal of time; and as to the fort, it has been a great curse to us for the last four or five years. From the fort you can see the smoke from buildings that cover 20,000 white people; Indians are now seldom seen there. The buildings are made of stone, and are very old. They were commenced in 1819 or 1820, at which time all materials, except stone, had to be taken up in Mackinaw boats. The buildings were put up in a rough manner, and they are out of repair. I believe, however, one or two buildings have been put up since the fort was built."

To the undersigned, who have no knowledge derived from personal observation of that section of country, and who can only look at this question through maps, and by the light which geography, and the testi-

mony of competent witnesses can throw upon it, there does not occur to our minds one substantial reason why an expensive government establishment should have been maintained at Fort Snelling for the purpose of forwarding supplies to one or at most two frontier posts. The demands of our service would not allow of more than one company being stationed at Fort Ripley, and one at Fort Ridgley ; indeed, during the last summer the pressure upon the service required the withdrawal of that one company from Fort Ripley, and the total abandonment of the site. From subsequent indications of discontent among the Indians, a company was restored and the fort temporarily reorganized. It seems to us absurd to say that there could be any economy in the government keeping up an establishment, which they were able to sell for the sum of \$90,000, expending the money every year required for repairs upon buildings originally imperfect in construction and in a state of decay, maintaining some forty or fifty employés, two hundred head of mules, horses and oxen, and the necessary officers in command, and all for the purpose of supplying two companies upon the frontier with provisions and clothing. If that country was destitute of the means and facilities of transportation, it might be a military necessity to which we should submit, no matter what might be its cost. But when all the means of transportation, both by land and water, are known to abound in that region ; when streams, always navigable at certain seasons of the year, flow in sight of the picket walls of those forts ; when the Quartermaster General informs us that he has never encountered any difficulties in procuring in that country the facilities of transportation ; when he further informs us that a capitalist of acknowledged responsibility has tendered to him to transport all the supplies required for the troops at those posts *at one-half of what it has cost the government*, which offer the Quartermaster General tells us he means to accept,—the retention of Fort Snelling, under these circumstances, and for such purposes, would have been an official misfeasance, meriting the rebuke of the representatives of the people.

It is still more remarkable now, since this property has been sold, that there should be deemed so urgent an occasion for its use as a depot, as we learn that prior to its sale, and when the private facilities for transportation were far less abundant than they are now, the government could so well accomplish all its purposes of supply to those two frontier posts, without the aid of Fort Snelling. This is a most curious and interesting fact, and deserves to be further elucidated.

Listen to the clear and conclusive statement of *Colonel Francis Lee* on this point :

“ I was in command of Fort Snelling between three and four years, from the spring of 1851 to the summer of 1854. I had charge of the whole reservation. I see no reason why Fort Snelling should have been retained. I cannot conceive that it is of any importance as a military station. Fort Snelling is on a high bluff, and never will be, and never has been, to my knowledge, *used as a depot for provisions and supplies*. To be sure, provisions and supplies have been furnished to other posts from there, because that post has been reduced, and there was a large quantity on hand. But all the supplies for the upper

posts have been sent from St. Paul to Fort Ripley, and directly up the river to Fort Ridgley.

“Question 1641. From where?

“Answer. From the points where the contractors furnished them. We contract for the delivery of provisions directly to the military posts, and it would be an absurdity to stop and deliver provisions at Fort Snelling. I would rather transport provisions from Fort Snelling up to Fort Ridgley, if the waters were up, than to carry them up from the river and put them into the storehouses.”

“Question 1642. Would you give it as your opinion that the frontier stations could be supplied by the government upon cheaper terms by sending the supplies direct, than by making Fort Snelling a depot for supplies?

“Answer. Certainly. It has always been done. It has never been done otherwise.”

Again: Captain *J. B. S. Todd* states:

“While I was in command there, for several years, the supplies for Fort Ripley, 125 miles above, were never transported from Fort Snelling. They were landed at St. Paul, and shipped from there without going to Fort Snelling. I am under the impression that the same thing was done in regard to Fort Ridgley, which is situated about 125 miles up the Minnesota river. I recollect that they were landed at St. Paul, and reshipped to the fort direct, in 1853 and 1854.”

Again we learn from the Hon. *Henry M. Rice*:

“I supplied Fort Ripley for several years from St. Paul. I received most of the supplies at St. Paul, and sent them from there to Fort Ripley direct; as to Fort Ridgley, I cannot speak. I have been absent from St. Paul a considerable portion of the time since that fort was built. I know that last spring I saw a great many teams at St. Paul, for supplies for Fort Ridgley. Whether they were purchased there or not, I do not know.”

There is but one aspect of our national policy, as we think, in which it could be maintained that the government should have held the control and possession of the Fort Snelling reservation, and that would have been, to have met a requirement not called for by the existing military system of the country. Within the last twenty years a practice has grown up, founded in error, stimulated by local interest, and too much favored by Congress, of locating posts in advance of settlement, and of distributing our troops at numerous posts in small garrisons. Experience has shown that these small posts are nearly powerless beyond their own limits, whilst they enormously multiply the cost of transportation, involve the frequent construction and abandonment of posts, retard discipline, and impair the efficiency of the troops. The present system is condemned by the most enlightened officers of the army. Secretary Davis, in his annual report of the 1st of December, 1856, argues with much force and ability in favor of a change of the present policy; urges the selection of a few points, accessible by steamboat and railway, from which strong detachments should annually be sent out into the Indian country during the season when the grass will suffice for the support of cavalry horses and beasts of draught and burden. He cites, with commendation, the occupation of Algeria

by the French, as presenting a case of parallelism to our western frontier. Had these views met with the approval of Congress, it is manifest that Fort Snelling would have possessed an importance, in a military point of view, which it can lay no claim to at present. But these views were permitted to pass unheeded by Congress, and the changes were too radical to be introduced without its assent. In the close of that portion of the report he says: "As our present policy rests upon various acts of legislation, and the concurrent views of several preceding administrations, a change as radical as that which is here suggested should receive critical examination, and perhaps require legislative action, before being adopted."

Having shown, as we think conclusively, that no considerations of military policy required the further retention of Fort Snelling, either as a post of defence or a depot of supply, we will proceed next to examine the objections which are taken to the mode of sale.

Was the mode of sale objectionable?

As a general rule of executive action, we concur most cordially with the majority in the opinion that all sales of government property should be made at public auction, and after due notice, thereby affording to every citizen who desires it a fair and equal opportunity to participate in the purchase. This is a rule demanded not only by the relation which exists in a country like ours between the government and the people, but it is an important check to official favoritism and partiality, and operates beneficially in guarding against that sense of individual injustice which springs from the preference of one man over another, where all have common rights. So strong are our individual convictions on this subject, that it would require proof of a very perverted sentiment in any State or Territory to excuse, in our judgment, a departure from so sound and salutary a rule of action. The amount which the government will at any time realize from a sale of its property must be insignificant, compared with the more important benefit which it must derive from an all-pervading impression of its fairness, justice, and disinterestedness. And yet it is difficult for any fair-minded man who reads the accompanying evidence, and learns that system of combination which controls the results of public sales in the west, to cast the slightest censure upon the motives and conduct of the commissioners of sale. We would not applaud their act as a precedent. We cannot condemn it as an individual case, under the circumstances. That they acted honestly, and, in their judgment, for the best interests of the government, we have no doubt; that their mode of sale was beneficial to the public treasury we cannot question on the evidence; but we trust that some plan may be devised, if practicable, for the future, that will combine all the advantages of free and unrestrained competition, with the necessary safeguards for the public interests.

Whilst such are our individual opinions, it may be proper to remark, that no law has existed from the origin of our government to the present time which requires or even contemplates a sale of a military reservation at public auction. On the contrary, the legislation of Congress has shown a marked diversity of policy in the regulations which it has prescribed for the sale of the great mass of the

public domain, and those which it has adopted in relation to the reserves, severed from it. In the one case they have uniformly required them to be sold at public auction, the government being content, in view of the benefits accruing from settlement and cultivation, to receive the minimum price per acre, whilst in the other case, looking to the special value imparted to these reserves by the progress of settlements around them, and the public money expended upon them, have left the Secretary of War free to pursue that mode of sale which, in his judgment, was best calculated to realize their true and fair value. To carry out this manifest intention of Congress various modes of sale have been adopted, at different periods, by the War Department, to realize, as far as practicable, the value of the reservations brought into market. In one instance, in the year 1840, where the reservation lay within the corporate limits of the growing and flourishing city of Chicago, it was surveyed and laid off in conformity to the general plan of that city, the streets extended, public squares reserved, and the residue divided into lots of twenty-five feet front, the property valued before sale, bids not amounting to one-fourth the cash value of the lots required to be rejected, and the bidding made by sealed proposals addressed to the commissioner of sale. In the case of the Fort Howard reservation it was divided into lots, a minimum price fixed, below which no sale was to take place, a public auction attempted, but not a bid made, and the property is still unsold. Fort Ripley was exposed to public auction without any minimum prescribed, the price reduced by combinations to seven cents an acre, but the sale set aside and declared a nullity. Fort Snelling was sold by private contract. These are instances of the four different modes of sale, at different periods, and under variant circumstances adopted by the War Department. Undoubtedly the most unexceptionable in all its results of these public sales was that of the Fort Dearborn reservation, within the corporate limits of Chicago. The gross sales of the two hundred and fifty lots were one hundred and six thousand dollars. One lot alone yielded four thousand one hundred and fifty dollars, and several were bid off at two thousand dollars. This was a special case, and the only instance in our history ; and the results of a sale of town lots in a city like Chicago can scarcely be regarded as an inexorable model in all other cases of sales of public property. The sale of Fort Snelling, except so far as it may be objectionable as a private sale, is the most advantageous ever made by the government, beyond the corporate limits of that city.

In the objection which we have expressed to private sales of government property, it must not be inferred that there was anything in the facts or circumstances connected with the sale of Fort Snelling to give point to the remark, unless, indeed, it be that torrent of unfounded calumny and misrepresentation to which individual disappointment and partisan feeling gave rise immediately thereafter, and which may be regarded as one of the consequences that will usually follow a departure from the system of open and public bidding by the government. The motives which prompted the commissioners to prefer a private to a public sale were honest and praiseworthy. The purchaser with whom they made the contract, although without any legal pretension to be preferred, had such an equitable claim as to divest the preference shown him of

every motive of improper favoritism and partiality, and the sum stipulated to be paid was the full and fair value of the property, and more than could probably have been realized by any other mode of sale.

The reasons which induced the action of the commissioners are set forth with great clearness in their official report, and also in their testimony taken before the committee, and they are sustained in their course by many of the most intelligent and best informed witnesses who were examined before the committee. Their reasons were—

1st. The lesson derived from the experience of the sale of public land in that section of country for the preceding ten years. Not a sale having taken place, that combinations had not been successful in reducing the price to the minimum prescribed by law.

2d. They were satisfied, not merely from the past experience of the government, but by evidence palpable to their own ears, that combinations were being formed to reduce this land to the minimum price.

3d. They saw, in the event even of there being no combinations, that it was otherwise impracticable to carry out the instructions of the War Department, which limited them to the minimum of \$7 50 per acre. For while some portions of the land might readily have commanded a price beyond the minimum, a considerable portion was worth much less, and a great deal not worth fifty cents an acre. They believed, therefore, that they would best advance the interests of the government, and comply with the instructions under which they acted, by selling the entire parcels at private sale to some responsible purchaser, either at the minimum price prescribed by their instructions, or for such greater sum as, upon a careful examination of the property, they might conclude to be its fair and full value.

The practical sagacity and soundness of the course pursued by the commissioners, so far at least as the pecuniary interest of the government was concerned, is vindicated and sustained by an overwhelming mass of the testimony taken before the committee, to which evidence the House is referred for full details, of the principle and results of that system of combination for so many years practiced in the west at the sale of all government lands; a system universally approved in those new countries, and boldly justified by that specious logic which applies to government property a rule which it would scorn to use in its transactions with individuals, and which will ever make our public domain a subject of undisguised appropriation and plunder. As many whose duty it will be to decide upon the propriety of the conduct of the commissioners of sale may not have any adequate conception of the embarrassments of their position, and of the difficulties which they had to encounter, growing out of that system of combination to reduce the price of the public lands, so prevalent in the new States and Territories, we will present a few extracts from the testimony of some of the witnesses, whose means of information will not be questioned, and whose public positions would afford them motives to suppress, rather than magnify the evil.

The Hon. *George L. Becker*, representative elect from Minnesota, in reply to questions submitted to him before the committee, answered as follows :

“ Question 1418. Do you suppose that, if Fort Snelling had been

offered at public sale, there would have been a fair competition for the purchase of the reservation?

“Answer. I think not. I should judge that the probabilities are, that, if a public sale had taken place, the same thing would have occurred which took place in reference to that part of the reserve which was sold some three or four years ago.

“Question 1419. If it had been sold in small parcels, would not you, as a speculator, have been desirous of purchasing a portion of it?

“Answer. You are aware that we have a system in the west, which is a part of the unwritten law of the land, by which claim associations are formed by parties for the purpose of protecting each other at these public sales. It is very rare that government land ever brings more than a dollar and a quarter per acre at public sale.

“Question 1420. Does not that system apply mostly to those claiming pre-emption rights?

“Answer. No, sir.

“Question 1421. Is it considered honorable among the men in your country to carry out such a system where there are no pre-emption rights?

“Answer. It is. We do not look upon the government as a land speculator. Such combinations were formed at the time a portion of this reserve was sold three or four years ago. Claims were made upon it, and the parties went on to make improvements. An association was formed by the parties interested. They appeared at the land office on the day of sale. The sale was conducted quietly and without disturbance, but the land was all purchased at a dollar and a quarter per acre.

“Question 1422. Were you ever engaged in such a combination?

“Answer. I bid off a part of that land.”

The Hon. *Henry M. Rice* testified as follows:

“Question 2532. Had the land been advertised and sold at public auction, what, in your judgment, and from your knowledge of that country, would it have yielded to the government at public sale?

“Answer. I do not think it would have brought more than the minimum price; I am satisfied it would not, for I advised the settlers about there to go in and buy it. I favored any plan which would keep it out of the hands of non-residents.

“Question 2533. While you disapproved of the mode of sale, is it your opinion that the commissioners adopted the mode best calculated to promote the pecuniary interest of the government?

“Answer. Undoubtedly; there is no question about it. I might have done the same had I been appointed commissioner to sell; but being a resident in that immediate region, I did not like the mode in which it was sold.

“Question 2534. The interest you felt, as I understand you, was an interest in behalf of the people rather than in behalf of the government, and in opposition to the pecuniary interests of the government?

“Answer. Yes, sir; I did not care anything about the government. I would rather it had brought fifty cents an acre than what it did bring, so far as the government is concerned. I think the public lands should be held in trust by the government for the use of the

people, and I do not think it proper for the government to speculate in them.

“ Question 2556. Did you inform Major Eastman that a combination would be formed if the sale was made in a public manner ?

“ Answer. I do not know whether I informed him or not. I believed there would be one, and very likely I told him so at the time ; if I did, it was prior to his being appointed commissioner to sell, or prior to my knowing of his appointment. I have never known a sale to take place in the west that these combinations were not formed.

“ Question 2557. If the sale had been made as you thought it ought to have been made, in tracts of 40 acres each, with ample time and notice given to purchasers, do you think a combination could have been formed that would have forced the price below that received by the government for it ?

“ Answer. Yes, sir. The sale of which I have spoken, which took place on the east side of the river, was advertised in many of the principal papers in the United States for six months.

“ Question 2558. Did I not understand you to say that was claimed by pre-emptors ?

“ Answer. That was on the west side; that part of the reserve on the east side of the river was sold at public auction.

“ Question 2559. Is there any way in which the government can make sale of valuable public lands without encountering these combinations ?

“ Answer. It is very difficult, because, if they are encountered successfully, the people will always come to Congress for relief. Fort Atkinson, where I was stationed as sutler, cost more than \$100,000. It was sold at public sale, with the improvements. The improvements sold, I think, for about \$3,000 or \$4,000. The purchaser, the very next session, came to Congress for permission to enter a half section of land, including these improvements, for a dollar and a quarter per acre, and it was granted.

“ Question 2560. Have you any special reasons for supposing a combination would have been formed in this instance ?

“ Answer. I have; and I think I so stated in a communication to the Secretary of War, in which I expressed the desire that the tract should be sold in lots of 40 acres each, so as to enable men of small means to purchase. I expressed the same opinion openly on all occasions when spoken to about it ; and I was often spoken to in reference to it by men who had gone and made the improvements which had given it its value all around it. I wished that these men should have an opportunity to purchase.

“ Question 2561. Then your object was to enable your neighbors in that vicinity to purchase it at a dollar and a quarter per acre ?

“ Answer. It was my object to enable them to purchase it at the lowest price.”

Francis J. Rosser, ex-secretary of the Territory :

“ Question 1088. Is it your opinion that, if the commissioners had exposed this Fort Snelling reservation at public sale, there would have been combinations which would have brought the price down below that paid for it ?

Answer. I am satisfied of it—perfectly satisfied of it."

S. A. Medary, esq.:

Question 1749. "What, in your opinion, would have been the difference in the results had they advertised that land and sold it at public sale, or made the sale in the manner they did, at private sale, to a single individual at \$90,000?"

Answer. I think it would have sold for comparatively nothing if it had been sold in the way in which the sales usually take place at the land office.

Question 1750. Why, in your judgment, would it have sold for less if it had been sold at public sale?

Answer. There is generally an agreement among purchasers to get the land for as low a price as possible, and those who get it at their own price and those who hold their tongues are paid for it. Such things have been general at the west."

H. L. Dousman, esq.:

"I have attended a great many sales of public land, and it has been the habit in that country to form combinations, and to appoint one man to bid and to purchase the property at a nominal price, and then to divide it up among all who formed the combination; it has also been customary, when government lands were to be sold in that way, for squatters to go upon it; it is hard to get them off, and they claim a sort of pre-emption right. I presume the object of the commissioners was to avoid anything of that kind."

W. J. Cullen, esq., superintendent of Indian affairs for Minnesota:

Question 1552. "Can you give to this committee your opinion what would probably have been the result if the commissioners, instead of making a private sale, had attempted to divide it up into small parcels and have sold it at public auction?"

Answer. I think the effect would have been that they would probably have got from fifteen cents to \$1 25 an acre for it.

Question 1553. What are the grounds of that opinion?

Answer. Western people like to make money, and there is a good deal of unanimity of feeling among them. They like to buy property very cheap and they do not bid against one another as they do where they have plenty of capital."

Madison Sweetzer, esq., of Minnesota:

Question 886. "In view of these combinations which you say have always reduced the price of the public lands when exposed at public sale, did not the commissioners of the government act with judgment, so far as the interests of the government were concerned, in making sale of this land at \$90,000, its value, in preference to running the hazards to which it would have been exposed if sold at public sale?"

Answer. I think so. When I spoke before of the impropriety of disposing of the reserve at private sale, it was from the peculiar wording of your question. I think, as far as the matter of dollars and cents is concerned, it may have been better to have sold it at private sale; but if the sale had been public it would have saved the government officer from censure."

There are other witnesses who testify to the same practice in the west, but we pass them by to introduce an extract from the evidence

of *Franklin Steele, esq.*, who, although the purchaser of the property, occupies so high a position for integrity and truth that we feel no difficulty in presenting his statement as entitled to the fullest confidence:

Question 1153. Do you think any successful combination could have been made at the time which would have prevented the government from realizing the full value of the land?

Answer. I was myself invited to join in a combination to make up a sum of money to place in the hands of one individual, the balance to protect him in buying the whole tract at a dollar and a quarter per acre.

Question 1154. Could you in this mode have obtained the land at a cheaper rate than you did at private sale?

Answer. I presume I could; not perhaps the whole reservation, but that portion of it on which my buildings are situated, at a much cheaper rate.

Question 1155. Did you decline entering into that combination?

Answer. I declined.

Question 1164. I understand you to say that if this reservation had been sold at public auction it would not have brought as much as it did at private sale?

Answer. That is my opinion.

Question 1165. Why then did you bid for it at private sale, without seeking to have a public sale made of it?

Answer. Because if it had been sold at public sale I might have been deprived of purchasing more than a quarter section, or legal sub-division.

Question 1166. Explain how you would have been prevented from purchasing more than a quarter section?

Answer. I should have been prevented by the combination that would have been formed.

Question 1167. Would you have been forced to join such a combination, or could you not have bid upon your own responsibility?

Answer. I should have been forced by the combination that would have been formed to comply with their rules and regulations.

Question 1168. Why would you have been forced to have done that?

Answer. For fear of personal violence. If the committee will permit me, I will state that the mode of sale of the portion which was struck off some years ago was provided for by law of Congress. After the law had passed it was immediately settled upon, after which these people held meetings, and each one came in and registered the legal sub-division upon which he had located. These persons, in forming an association of this kind, agreed to protect each other in the purchase of their respective tracts at a dollar and a quarter per acre. They would bind themselves to protect each other, and if any stranger or outsider attempted to bid for a quarter section which had been recorded with this claim association they would carry him off; not, perhaps, commit violence upon him, but they would carry him away. Perhaps, under the excitement created, they might commit violence. Such instances have occurred at such sales frequently, and the same thing would have occurred if this portion of the reserve had been sold at public sale. As soon as it had been announced for sale it would

have been considered no longer occupied for military purposes, and would have been located upon by a large number of persons, each claiming his legal sub-division, who would have formed a combination similar to that formed when the other portion of the reserve was sold.

The commissioners having decided, for the reasons set forth, to dispose of the property at private in preference to a public sale, and to sell the entire reserve in a body, they opened a correspondence with Franklin Steele for its sale. We can see nothing in the preference thus shown to Mr. Steele which should subject their motives to any suspicion. To one of the commissioners, Mr. Heiskell, it seems he was an entire stranger. With the other, Major Eastman, he was scarcely upon friendly terms. And who is Franklin Steele? A pioneer of the wilderness and one of the earliest settlers west of the Mississippi. He is a gentleman of intelligence, enterprise, and public spirit, of admitted pecuniary responsibility, and of acknowledged integrity and weight of character. But the commissioners, in their official report, have so clearly disclosed the reasons which prompted them to make the contract of sale with him, that we shall permit them to speak for themselves:

"We find upon the reservation extensive improvements made by citizens, the cost of which cannot be less than \$30,000; they date back some twenty years. And we also find that they are *all* owned and in possession of the post sutler, Franklin Steele, esq. *Many* of the improvements were made by himself, with the knowledge and consent of the officer in command at the time. He has a large and elegant dwelling, with houses corresponding. The fort is so situated at the junction of the Mississippi and Minnesota rivers, that a ferry for the accommodation of the fort, across each river, has been indispensable. And we find that Mr. Steele was authorized to establish and maintain said ferries, which he did; and has, for years, transported officers and men and munitions of war across, day and night, free of charge to the government. He has built ferry-houses, put on and constantly kept boats of the best class, and had men constantly in attendance. He has, also, built a warehouse. There is a large and valuable stone building with a frame addition, making an extensive house, which has been furnished and used as a hotel, which could not have cost less than \$15,000. The stone part was built in the year 1837, by a Mr. Baker, afterwards sutler at Fort Snelling; it was sold to Kenneth McKenzie, esq., who, in 1853, put on the extensive addition alluded to—put the entire building in good order and furnished it for a house of accommodation; Mr. Steele having arranged with Mr. Kenneth McKenzie for this property, and secured the government from all claims from this source. We are positive, therefore, in saying that Mr. Steele is the only claimant to the improvements upon the same made by citizens.

"The question then arose as to the improvements made by Mr. Steele. We could not admit that he was such a settler as would come under your instructions, for he admitted that he had never been induced to believe the pre-emption right would be extended to him; but we could not conceal the fact that he had expended in improvements a large amount of money, and that to give another the right to pur-

chase the reservation would effectually compel him to lose all he had expended; we therefore came to the conclusion that justice required us to give Mr. Steele the refusal at the price we had agreed upon. We accordingly made him the offer. He proposed to give seventy-five thousand dollars, (\$75,000.) We informed him that we should not dispose of it for a less sum than we had estimated it at, viz: \$90,000, at which price he accepted it, and we closed a contract for the same, a copy of which we herewith transmit for your action thereon."

It may be proper here to state that at the time the contract of sale was made between the agents of the government and Franklin Steele, an arrangement existed by which Dr. Archibald Graham, of Virginia, John C. Mather, and Richard Schell and wife, of New York, were to be recognized, in conjunction with Mr. Steele, as joint owners of the property when purchased; their respective interests were arranged as follows: Steele to be entitled to one full third; Graham, Mather, Schell and wife, the remaining two-thirds; the parties to pay the purchase money in proportion to their interests in the property. The contract was made with Steele alone, and the proof is conclusive that the agents of the government were ignorant at the period of its execution, and for sometime subsequent thereto, that any person was concerned, or interested in this purchase, except Franklin Steele, the individual with whom the contract was made.

We now approach the last question arising upon this evidence which requires our examination, that relating to the value of this property and the price at which it was sold.

Was it sold by the commissioners for an inadequate price?

All who have any recollection of the defamatory publications which, during the last summer and fall, followed the contract of sale, will remember how pertinaciously the idea was sought to be impressed upon the public mind, that property belonging to the government worth *one million and a half of dollars* had been recklessly sacrificed for the sum of \$90,000. It was in vain that a correct exposition of the true value of this property was submitted to the public, in vain that a reference was made to all the previous land sales of the country, and the fact demonstrated, that this reservation had sold for a higher price per acre than any parcel of public land had ever been sold by the government, except, alone, the Fort Dearborn reserve, lying within the corporate limits of the city of Chicago; no check could be given to the remorseless spirit of detraction, and the public mind continued to be poisoned by the repetition of the grossest representations of the exaggerated value of this property. At the opening of Congress a committee of investigation was asked, amongst other matters, to ascertain the real value of the property, and that committee promptly accorded. In the progress of the investigation thus ordered, *thirty-four* witnesses were examined touching its value, of which number *eight* only have expressed the opinion that it sold below its true value; *two* have testified that the price obtained was what the property, in their judgment, was fairly worth; *twenty-four* have expressed the opinion that it sold beyond its fair value.

That there should have been found some individuals ready to place an extravagant estimate upon the Fort Snelling property is not at all remarkable. It is well known that even in the old and well settled States, where property has acquired a fixed and stable value, a litigated case rarely arises before the courts involving the value of a piece of property, and especially if the passions and feelings of a neighborhood have become at all excited in relation to it, that a most striking discrepancy of opinion may not be observed. How much more might this be expected to be the case in a newly settled Territory, where the value of all property is, in a great measure, speculative—where time has not yet established any standard by which its real worth may be accurately adjudged, and where, in this general condition of incertitude, the mind vibrates from one extreme to the other with every development calculated to excite hope or despondency. Still more might the wildest extravagance of opinion be anticipated where the subject of the inquiry is a property so situated as to lead to the impression, upon sanguine and imaginative minds, that it may, at some future day, be the site of a prosperous city. Town and city locations are capital prizes in the grand lottery of western land speculation. The rapidity with which cities have sprung up, as by enchantment, in some favored spot upon the lakes or upper Mississippi, the sudden and enormous wealth which individuals have acquired by their successful location, have had their usual effect, to inflame the imagination and to direct all thoughts to the same modes of profitable investment. Scarcely a locality can now be found on lake or river, or other water course, that its deluded proprietor does not fondly dream that it may, at some future day, prove the site of a flourishing city.

It is not surprising, therefore, that some of the witnesses examined in this case, seeing the rapid growth of such places as St. Paul, Minneapolis, and St. Anthony, and imagining that Fort Snelling possesses equal or superior advantages for a city, have, in their evidence, expressed an extravagant opinion of its value. There are many facts connected with Fort Snelling to favor such a delusion. Its situation at the junction of the Minnesota and Mississippi rivers—the impression for many years entertained that such would be its future destiny—its beautiful location, its picturesque and striking scenery, the government buildings presenting to the eye a city in embryo, were well calculated to dazzle the imagination and blind them to the irreversible realities around it.

It will thus be seen, by an inspection of the accompanying evidence, that whatever substantial diversities are to be seen in the testimony of the witnesses bearing upon the value of the property results mainly from the impression which they have respectively received as to its eligibility as a site for a city, and believing such to be its future destiny, they think that element in its speculative value was not sufficiently considered by the commissioners in the price asked and obtained for the property.

The undersigned being without the benefit of any personal knowledge of the locality in question, and not being gifted with the prophet's wand to remove the curtain which conceals the future, will not venture

to express a personal judgment as to what may be the future destiny of this point at the confluence of the Minnesota and Mississippi rivers. But if, upon an occasion like the present, they are to be controlled in their opinions by the testimony laid before them, they have no difficulty in saying that both the weight of opinion and the weight of facts largely preponderate against the idea that the Fort Snelling reserve can ever be the site of a city.

The witnesses who have expressed the opinion that the value of the reserve is enhanced by the advantages of its position as a town site are Hon. Robert Smith, M. C. Smith, Adam D. Stuart, T. C. Hall, T. B. S. Todd, Cyrus Aldrich, Captain George Thorn, Captain T. H. Simpson, and Matthew Johnson.

The witnesses who think that difficulties of an insuperable character exist to its becoming the site of a city are the Hon. S. A. Douglas, Hon. H. M. Rice, Hon. Charles E. Stuart, Hon. Geo. L. Becker, Colonel Lorenzo Thomas, U. S. A., Colonel Francis Lee, U. S. A., Hezekiah Cullom, Madison Sweetzer, Alex. C. Jones, G. B. Clitherall, Thomas Moncure, Francis J. Rosser, Captain J. A. Whithall, U. S. A., Wm. J. Cullen, H. L. Dousman, J. W. Lynde, S. A. Medary, A. M. Fridley, B. W. Brisbois, Chas. H. Oaks, Wm. H. Forbes, and Geo. Culver. The grounds for their opinions, set forth by these last named witnesses, strike us as conclusive.

The Fort Snelling reserve is situated about six miles north of St. Paul, a growing and flourishing city of 15,000 inhabitants, and about eight miles south of St. Anthony and Minneapolis, two prosperous manufacturing towns, each with a population at this time of from eight to ten thousand inhabitants. Whatever may have been the advantages of Fort Snelling as a site for a city, we concur with the Hon. Stephen A. Douglas, "that it is now too late to start a new town so near to those with a hope of fairly competing with them. The reservation is too near those other towns to become their rival, and too far off to be laid out as an addition to either of them."

Many of the other witnesses exhibit facts which, to a great extent, destroy the idea that its natural position ever adapted it for a town.

Hon. Henry M. Rice states :

"In the early days of the settlement of that region the only boats which ran upon the Upper Mississippi were the smallest class. When the Galena packets commenced running in connexion with the railroad they were unable to get above St. Paul in low water, and that very fact lowered the value of the Fort Snelling property in the public estimation more than anything else."

Again he says :

"In the summer of 1849 I left there. I then had my depot immediately across the Minnesota river, and for two or three months of the summer of 1848 steamboats were unable to get up there. They could go a short distance above St. Paul, but they could not get up to that point. I was then an owner in some of the boats which ran up there. They landed my freight three or four miles below the fort, and I had to send down flat boats at a heavy expense to take it to Mendota. I then requested the officers of the boats to inform me what was the highest practicable point of navigation for large class boats. They

made an examination, and then informed me that what is now known as the upper landing of St. Paul was the highest point of navigation for large class boats in low water; and though I had buildings at Mendota, with Mr. Sibley, I removed down the river and started my depot at St. Paul. I bought a portion of what is now St. Pauls, and paid, I think, two dollars an acre for it, and put up my store-houses there."

Let us now examine and compare the evidence bearing upon the question of the value of this property.

Major Eastman, who made a survey of it, fixes the quantity in the reserve at 7,500 acres, of which 1,000 acres he states is water and irreclaimable marsh, such as, under the swamp land act, would pass by donation from the government to the State, leaving but 6,500 acres fit for cultivation or use of any kind. This, at \$90,000, the price for which it was sold, was equal to, or within a few cents of, \$14 per acre.

Hon. Robert Smith states that he would have given four times the price for which it was sold. The honorable gentleman admits that he has rather a mania for land, and we think his friends, after reading the accompanying evidence, will find reason to congratulate him that he was prevented by circumstances from going the "extent of his pile," and of investing all his Illinois property in the purchase upon such terms.

M. C. Smith thinks it was worth \$25 per acre for agricultural purposes; but, considering its advantages as a town site, he estimates its value at \$400,000.

Cyrus Aldrich thinks it was worth \$20 an acre for agricultural purposes; but, considering its advantages as a town site, he estimates its value at from forty to fifty dollars an acre.

Captain George Thorn says the property could have been sold so as to have brought \$150,000, and perhaps more.

Hilleary B. Hancock estimates its value at \$200,000.

Captain James H. Simpson thinks that portions of it would have sold at \$200 an acre, and none of it less than \$20 per acre.

J. C. Hall supposes, on an average, the land worth \$15 or \$20 an acre.

These are all of the witnesses who testify to a value exceeding that for which it was sold by the commissioners.

Hezekiah S. Cullom supposes it was worth something more than \$11 per acre.

J. G. McVeigh: "From my knowledge of the land, I think it sold for full as much as it was worth. I do not think it will bring that now."

Madison Sweetzer: "I do not think it was worth more than \$90,000. The question has frequently been asked, and I have always said I never would give \$90,000 for it. I would not give that to-day. If I had the money I would not purchase it for \$60,000."

Alexander C. Jones: "Take the whole tract together I would not think it worth more than \$6 or \$7 an acre."

Andrew Ellyson: "The land sold for more than I would pay for it."

G. B. Clitherall fixes the "value of the tract, after a careful estimate of its different soils and capabilities, at \$55,000."

Thomas Moncure: "I think the price paid for it its full value. If I had been the purchaser I would not have paid that much for it."

Francis T. Rosser: "I would not like to give, even for purposes of speculation, more than \$7 or \$8 an acre."

Hon. George L. Becker: "I should think it would hardly be considered worth more than \$8, \$10, or \$12 an acre."

Captain J. A. Whithall: "I do not consider the land worth the price given for it. I said at the time it was the best sale of government land I had ever heard of."

W. T. Cullen: "I expressed my opinion to Mr. Steele, at the time the sale was made, that I thought it sold for all it was worth, and that he would never get his money back; and I have not changed that opinion in the least."

Colonel Francis Lee, U. S. A.: "I think they paid a plenty for it."

H. L. Dousman: "I thought they got a fair price. I told Steele at the time that he gave about what it was worth."

J. W. Lynde thought it was worth "from \$8 to \$10 an acre."

S. A. Medary thinks the average value from \$8 to \$14 an acre."

A. M. Fridley: "Worth now about \$5 per acre; at time of sale about \$10 per acre."

B. W. Brisbois "estimates it from \$10 to \$12 per acre."

Charles H. Oaks: "I think \$90,000 was more than the land was worth, and I so stated at the time of sale."

Wm. H. Forbes "estimated value at between \$12 and \$15 per acre at time of sale."

J. E. Fletcher: "I considered the land worth \$12 50 per acre."

George Culver: "Ten dollars per acre would be a fair price for the whole property."

Hon. H. M. Rice "supposes, as a whole, it was worth \$3 or \$4 per acre."

Hon. S. A. Douglas: "I would not estimate the land at more than \$10 per acre."

Hon. Charles E. Stuart "thinks the commissioners acted wisely in selling the entire tract at \$90,000."

Wm. K. Heiskell "thinks it sold beyond its true value."

Major Eastman: "Since the sale I have thought we got too much for it. I have made many inquiries, and have come to that conclusion from the inquiries as to the price of land in that country."

Upon this evidence the undersigned, as impartial judges of the fact, can reach no other conclusion than that this property sold at its full and fair value, and that this is one of the rare instances in our history where the government, in parting with any portion of the public domain, has realized a price approximating the true value of the property.

The undersigned conclude their report by submitting the following resolution as a substitute for the resolutions recommended by the majority of the committee:

Resolved, That the recent sale of the military reservation at Fort Snelling, having been made by the Secretary of War, under the direction of the President of the United States, in strict conformity to law, and the evidence reported by the Select Committee having

failed to exhibit any fact or circumstance tending, in the slightest degree, to impeach the fairness of the sale or the integrity of any of the officers or agents of the government concerned in the same, or to exhibit any fact or circumstance which should make the said sale a proper subject for the opinion and action of this House, it is ordered that the committee be discharged from the further consideration of the subject, and that the report of the said committee be laid upon the table.

CHAS. JAS. FAULKNER.
H. C. BURNETT.